

BARRY J. PORTMAN
Federal Public Defender
ANGELA M. HANSEN
Assistant Federal Public Defender
555 - 12th Street, Suite 650
Oakland, CA 94607-3627
Telephone: (510) 637-3500

Counsel for Defendant BURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-11-00329 SBA
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO JULY 19, 2011 AND
v.)	TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT AND PROPOSED
)	ORDER
DUSTIN MICHAEL BURT,)	
)	
Defendant.)	Hearing Date: June 7, 2011
)	Time: 10:00 a.m.
)	

The above-captioned matter is set on June 7, 2011 before this Court for a status hearing. The parties jointly request that the Court continue the matter to July 19, 2011, at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between June 7, 2011 and July 19, 2011.

On May 19, 2011, the Grand Jury charged Mr. Burt with two counts of bank robbery in violation of 18 U.S.C. § 2113(a). Mr. Burt was arraigned on the Indictment two weeks ago – on May 20, 2011. He faces a maximum sentence of 20 years on each count.

The government produced discovery to the defense on May 31, 2011. Because this is a newly indicted case and because the defense recently received the discovery, defense counsel needs time to review and process the discovery provided and to discuss those materials with her

1 client. The defense also requires time to investigate of the circumstances of the offenses charged
2 and to collect Mr. Burt's prior conviction records to prepare an estimate of his anticipated
3 Guidelines range.

4 The requested continuance will allow the defense to complete its review of the discovery,
5 to investigate the underlying facts of the case, and to obtain and review records. For this reason,
6 the parties agree that the failure to grant this continuance would unreasonably deny counsel for
7 defendant the reasonable time necessary for effective preparation, taking into account the
8 exercise of due diligence.

9 The parties further stipulate and agree that the ends of justice served by this continuance
10 outweigh the best interest of the public and the defendant in a speedy trial. Accordingly, the
11 parties agree that the period of time from June 7, 2011 to July 19, 2011, should be excluded in
12 accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),
13 for effective preparation of defense counsel, taking into account the exercise of due diligence.
14

15 DATED: June 3, 2011

_____/S/
BRIAN C. LEWIS
Assistant United States Attorney

17 DATED: June 3, 2011

_____/S/
ANGELA M. HANSEN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that the government has produced discovery in this case and that defense counsel needs time to complete its review the discovery and to discuss the discovery materials with her client;

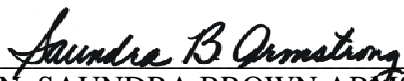
2. Given that the defense needs additional time to investigate the underlying facts of the case and to obtain records to calculate defendant's sentencing Guidelines range;

3. Given that these above-listed tasks are necessary to the defense preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence;

4. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of June 7, 2011, scheduled at 10:00 a.m., before the Honorable Saundra Brown Armstrong, is vacated and reset for July 19, 2011, at 10:00 a.m. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from June 7, 2011 to July 19, 2011.

DATED: 6/6/11


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge